

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

United States of America,

Plaintiff,

v.

Eleven United States Postal Service Money  
Orders totaling \$11,000, and \$2,300 in U.S.  
Currency,

Defendants.

Civil Action No.: 1:20-cv-343 (GTS/CFH)

**VERIFIED COMPLAINT FOR FORFEITURE *IN REM***

The United States of America brings this verified complaint for forfeiture *in rem* against the above-captioned assets (the “defendant property”) and alleges as follows:

**NATURE OF THE ACTION**

1. This is an action *in rem* brought pursuant to 21 U.S.C. § 881(a)(6), 31 U.S.C. § 5317, and Rule G of the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions. Forfeiture is sought of the defendant property as: (a) money furnished or intended to be furnished in exchange for a controlled substance and proceeds traceable to such an exchange, in violation of 21 U.S.C. § 841, and (b) money involved in and traceable to violations of 31 U.S.C. § 5324(a).

**THE PARTIES**

2. Plaintiff is the United States of America.
3. The defendant property, which is in the custody of the United States, follows:
  - a. United States Postal Service (USPS) money order #26321656465 in the amount of \$1,000,

- b. USPS money order #26321654867 in the amount of \$1,000,
- c. USPS money order #26321654856 in the amount of \$1,000,
- d. USPS money order #26086974636 in the amount of \$1,000,
- e. USPS money order #26070205511 in the amount of \$1,000,
- f. USPS money order #26070205522 in the amount of \$1,000,
- g. USPS money order #26070204958 in the amount of \$1,000,
- h. USPS money order #26321656454 in the amount of \$1,000,
- i. USPS money order #26321654812 in the amount of \$1,000,
- j. USPS money order #26321654823 in the amount of \$1,000,
- k. USPS money order #26070204960 in the amount of \$1,000, and
- l. \$2,300 in U.S. Currency.

#### **JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1345 and 1355.

5. This Court has *in rem* jurisdiction over the defendant property pursuant to 28 U.S.C. § 1355(b)(1).

6. Venue is proper in this district pursuant to 28 U.S.C. §§ 1355 and 1395.

#### **FACTS**

7. On November 8, 2019, Karol Peters brought a Federal Express (FedEx) envelope to a FedEx shipping center in Menands, New York. She declared the contents of her package as “literature magazines” valued at \$100, and paid \$80.50 in cash to send it overnight to California.

8. The package identified the sender as Alexs, Karol Peters with a return address of 92 Livingston Avenue, Albany, New York 12210. That address is a parking lot.

9. The package identified the recipient as Desmond Dyas of 40260 Mayberry Avenue, Apt. 13, Hemet, California 92544, and did not require a signature for delivery. Subsequent investigation has revealed that Dyas has a history of drug-related convictions.

10. FedEx accepted the package for delivery, but given the suspicious circumstances, decided to search it per company policy.

11. The package contained two magazines with the defendant property – *i.e.*, \$11,000 in blank money orders and \$2,300 in cash – hidden inside. The package also contained receipts for \$6,000 worth of *additional* money orders purchased during the same week, from the same post offices, and in the same denominations, as the money orders at issue in this case.

12. The money orders in the seized package were purchased from two post offices in Albany, on November 7, 2019, in six transactions that occurred between 1:04 p.m. and 4:55 p.m. Five of the transactions were for \$2,000; one was for \$1,000.

13. On information and belief, the money orders were structured into multiple transactions from different post offices in an attempt by the purchaser(s) to evade the requirement in 31 U.S.C. § 5324(a) to provide identification when purchasing money orders from financial institutions, including post offices, in denominations of \$3,000 or more.

14. The seized package also contained three receipts that link Peters to other recent instances of structuring financial transactions at post offices in the Capital Region. They establish that, on November 5, 2019, six \$1,000 money orders were purchased from a total of three post offices, in Albany, between 1:03 p.m. and 1:36 p.m. Each transaction was for \$2,000.

15. FedEx contacted the New York State Police to report the package as suspicious.

16. FedEx subsequently turned over the package to the New York State Police, which in turn hid the package inside of a vehicle. A properly trained drug detection dog positively alerted to the presence of the odor of drugs on the package.

**Story #1: Peters' Brother Asked Her To Send Him Cash For A Real Estate Transaction**

17. Before FedEx contacted the New York State Police, they called Peters to ask her what was in the package, and she responded "magazines." When FedEx explained that they had searched the package and discovered that it also contained \$11,000 in money orders and \$2,300 in cash, Peters stated that her brother had asked her to send the money for a real estate transaction.

**Story #2: Peters Collected Money To Cover Her Uncle's Funeral Expenses**

18. On November 8, 2019, which is the same day that Peters attempted to send the FedEx package, she consented to an interview with the New York State Police. Peters told the troopers that the money orders and cash in the seized package came from a GoFundMe account that her family established to fund the funeral expenses for her great uncle Bernard Thomas. Peters further stated that she, her mother, and her cousin each purchased a few money orders to send to Desmond Dyas, who Peters described as her uncle, so that Dyas could pay for Thomas's funeral.

19. As of the date the package was sent, the GoFundMe account established to fund Bernard Thomas's funeral expenses had only raised \$780.

**Story #3: Peters Said That She Knew The Money Would Be Used For Illegal Purposes**

20. On December 5, 2019, the New York State Police again interviewed Peters. This time, Peters admitted that she had made up the story about sending money to California for funeral expenses, and explained that an individual who she did not know gave her cash and instructed her to buy money orders and send them to Dyas, who she now claimed she did not know. Peters

acknowledged to the troopers that she knew the purpose was illegal, but she refused to disclose more. She also told troopers that, since she did not receive any drugs, they could not arrest her.

**Story #4: Peters Reverted To The Funeral Story**

21. On January 3, 2020, law enforcement placed a recorded call to Peters. Peters explained that the defendant property was money that she and her family members had pooled to pay for her great uncle's funeral. She said that she was sending it Dyas, who this time she identified as her cousin. Peters explained that she purchased two or three of the money orders from one or two post offices using money that she had saved from selling wigs. Peters said her family members had purchased the remaining money orders, but she refused to provide their names. When asked why she used 92 Livingston Avenue as her return address, Peters responded "that's where I lived . . . I was staying over there on Livingston with my cousin." When told that 92 Livingston Avenue is a parking lot, she responded "oh, that's just where we park our cars."

22. Peters, in fact, resided at, received mail at, and had been observed on multiple occasions at 28 Mohawk Street, which is approximately one mile from 92 Livingston Avenue.

23. Based on the totality of the circumstances, and specifically Peters' changing story on the origin of the defendant property and the drug-dog's alert to the odor of drugs on the seized package, coupled with the investigative agents' training and experience with drug traffickers' use of false return addresses, waiver of recipient-signature requirements, mailing large quantities of cash and blank purchase orders, and structuring money order purchases to avoid providing identification to postal officials, there is reason to believe the defendant property is subject to forfeiture under 21 U.S.C. § 881(a)(6) and 31 U.S.C. § 5317.

### CONCLUSION

24. As required by Supplemental Rule G(2)(f), the facts set forth above support a reasonable belief that the government will be able to meet its burden of proof at trial. Specifically, probable cause exists to believe that the defendant property constitutes: (a) money furnished or intended to be furnished in exchange for a controlled substance and proceeds traceable to such an exchange in violation of 21 U.S.C. § 841, and (b) money involved in and traceable to violations of 31 U.S.C. § 5324(a).

WHEREFORE, pursuant to Supplemental Rule G, plaintiff the United States of America, respectfully requests that the Court:

- a. Issue a Warrant of Arrest *In Rem*, in the form submitted with this Complaint;
- b. Direct any person having any claim to the defendant property to file and serve their Verified Claims and Answers as required by 18 U.S.C. § 983(a)(4) and Supplemental Rule G;
- c. Enter judgment declaring the defendant property to be forfeited and condemned to the use and benefit of the United States; and
- d. Award such other and further relief to the United States as it deems proper and just.

Dated: March 27, 2020

Respectfully Submitted,

GRANT C. JAQUITH  
United States Attorney

By: /s/ Adam J. Katz  
Adam J. Katz  
Assistant United States Attorney  
Bar Roll No. 515310

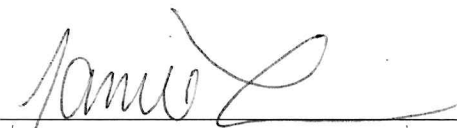
VERIFICATION

STATE OF NEW YORK                    )  
  ) ss:  
COUNTY OF [RENSSELAER]        )

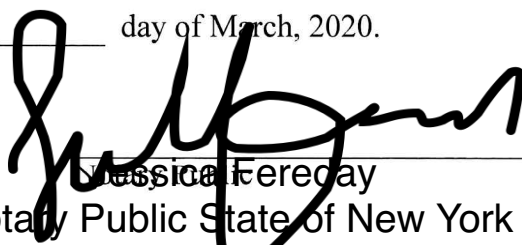
Jamie Levin, being duly sworn, deposes and states:

I am a Postal Inspector with the United States Postal Inspection Service. I have read the foregoing Complaint for Forfeiture and assert that the facts contained therein are true to the best of my knowledge and belief, based upon knowledge possessed by me and/or on information received from other law enforcement officers.

Dated this 24 day of March, 2020.

  
\_\_\_\_\_  
[Jamie Levin, Postal Inspector]  
[United States Postal Inspection Service]

Sworn to and subscribed before me this \_\_\_\_\_ day of March, 2020.

  
\_\_\_\_\_  
[Jessica Ereday]  
Notary Public State of New York  
No: 01FE0053483  
Qualified in Rensselaer County  
Commission Expires January 8,  
2023

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff Albany  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)  
Adam J. Katz, Assistant U.S. Attorney (518) 431-0247  
United States Attorney's Office, 445 Broadway,  
Albany, New York 12207

**DEFENDANTS**

Eleven United States Postal Service Money Orders totaling \$11,000, and \$2,300 in U.S. Currency

County of Residence of First Listed Defendant Albany  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |  | PTF                        | DEF                        |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation   | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input checked="" type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

21 USC 881 and 31 U.S.C. § 5317

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

03/27/2020

s/Adam J. Katz

**FOR OFFICE USE ONLY**RECEIPT # \_\_\_\_\_ AMOUNT waived APPLYING IFP \_\_\_\_\_ JUDGE GTS MAG. JUDGE CFH